

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
E911 Requirements for IP-Enabled)	WC Docket No. 05-196
Service Providers)	

**COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (“NCTA”), by its attorneys, submits the following comments in response to the Commission’s Notice of Proposed Rulemaking (“Notice”) in the above-captioned proceeding.

NCTA is the principal trade association of the cable television industry. Its members provide video programming, broadband Internet access, telecommunications and Voice over Internet Protocol (“VoIP”) services to residential subscribers throughout the United States. Cable companies have provided facilities-based circuit-switched telephone service to millions of subscribers, but VoIP is a breakthrough technology allowing a significant expansion of this offering. Cable VoIP is ushering in the next phase in the fulfillment of the cable industry’s commitment – and the nation’s desire – to have facilities-based competition to local telephone companies.

The Commission has sought comment on what measures it should take to ensure that providers of interconnected VoIP service provide ubiquitous and reliable E911 service. NCTA agrees with the Commission’s goals but urges the agency to take a broader view. Rather than limiting its focus to interconnected VoIP providers, the Commission should consider what

measures may be necessary to ensure that *all* customers of voice services that interconnect to the PSTN receive ubiquitous and reliable E911 service.

The importance of having appropriate information about and access to E911 service is relevant to all customers of voice communications services. No PSTN-interconnected service, traditional wireline, wireless or interconnected VoIP service, is 100 percent reliable. Prior Commission proceedings have demonstrated that E911 service may be limited or unavailable to customers of traditional wireless¹ and wireline² service as well as interconnected VoIP service. For that matter, a customer may not be aware of the limitations inherent in the customer premises equipment used to access E911. For example, most cordless phones do not work in a power-outage situation, whether the service is provided by a circuit-switched or interconnected VoIP provider.

Limiting the inquiry to providers of interconnected VoIP services places customers of traditional telecommunications services at a disadvantage with respect to the information they may have about important limitations of the service. Consumers would be better off if the Commission were to increase public awareness of E911 capabilities and limitations available from *all* providers, not just from a single class of provider. Indeed, some customers may choose

¹ In 2004, the Commission extended its rules on “Disruptions to Communications” to “wireless service” providers. E911 service may be unavailable to wireless customers, for example, if there is a loss of communications to PSAPs, if there is a loss of 911 call processing capabilities in one or more E911 tandems/selective routers, if one or more end-office or MSC switches or host/remote clusters is isolated from 911 service, or if there is a loss of ANI/ALI and/or a failure of location determination equipment. New Part 4 of the Commission’s Rules Concerning Disruption to Communications, 19 FCC Rcd 16830, 16834 (2004).

² The Commission recognized that wireline telephone network outages occur and adopted reporting requirements for 911/E911 outages that meets a certain threshold. The Commission explained: “We find that it is vitally important that we be informed of all significant outages that affect PSAPs, regardless of the network(s) in which the underlying causal factors lie. This information is crucial to gleaning more quickly a fuller understanding of how outages in a network affect other networks. This is especially so where PSAPs are affected, because of their major role in protecting public safety and human lives.” Id., 19 FCC Rcd at 16866.

to seek redundancy as a result of understanding E911 limitations, make other arrangements with neighbors, or ensure that at least one telephone in their home is not a cordless or wireless phone.

Expanding the Commission's inquiry to include all providers is beneficial from the perspective of both customers and competition. Cable companies are the leading residential facilities-based competitors to the ILECs. Services provided by traditional and interconnected VoIP providers may be subject to limitations with respect to E911 reliability.

In order to give full effect to the Commission's goals, which the cable industry shares, the Commission should expand its inquiry to include all circumstances in which any voice customer, regardless of technology used, may not be able to rely upon a provider's E911 service and to harmonize across all technologies how customers are to be advised of E911 limitations.

To the extent that the Commission does determine that distinctions between various types of services or providers are appropriate, the cable industry's provision of E911 has more in common with the E911 service provided by traditional circuit-switched wireline carriers than it does with "over-the-top" providers of interconnected VoIP services. Cable companies include E911 as a mandatory component of cable VoIP. In addition, the VoIP service cable provides is based on a fixed address and is not a nomadic offering.

By comparison to fixed location interconnected VoIP services, VoIP services that enable mobility pose certain limitations with respect to the reliability of E911. As the Commission observed, "the mobility enabled by a VoIP service that can be used from any broadband connection creates challenges similar to those presented in the wireless context,"³ and "currently

³ Notice at ¶ 25 (citation omitted).

there is no way for portable VoIP providers reliably and automatically to provide location information to PSAPs for these services without the customer's active cooperation."⁴ Cable VoIP is different.⁵

Indeed, the FCC has recognized that providers of cable's fixed VoIP service "already have deployed ... E911 services very much like those provided to wireline telephone customers."⁶ E911 regulation, as it develops, should reflect the comparable reliability of cable VoIP and wireline telephone service.

The cable industry shares the FCC's view of the opportunities and benefits that flow from the availability of VoIP services and the attendant responsibilities to which providers of such services must adhere. The cable industry is committed to maintaining necessary standards of public safety for all customers. We support initiatives designed to increase the public's awareness of the limitations of E911 service of all voice providers, regardless of technology.

Respectfully submitted,

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⁴ Id. at ¶ 57.

⁵ If the cable VoIP customer relocates the embedded Multimedia Terminal Adapter (eMTA), the "box" that adapts a regular telephone to a different physical location, the customer will not be able to place telephone calls, except in very limited circumstances. Moreover, cable VoIP service agreements do not permit customers to relocate the eMTA to a different physical location.

⁶ Id. at ¶ 25, n.80 (emphasis added).